



W.P.No.17948 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.07.2024

Pronounced on : 30.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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M.Raja

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. By its Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai 600 009
- 2.The State of Tamilnadu,
Rep. By the Director,
Survey and Settlement Wing,
Survey House,
Chepauk, Chennai-5
- 3.The Directorate of Town and Country Planning,
Town and Country Planning Department,
2nd, 3rd and 4th Floor, C&E Market Road,
Koyambedu, Chennai 600 107
- 4.The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road,
VOC Nagar, Park Town, Chennai 600 003
- 5.The Additional Director,
Directorate of Employment and Training,



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Alandur Salai, Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600 032

6.L.Beula Jancy Rani

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 4 to consider the petitioner under MBC-PSTM candidate quota and based on the marks 234 obtained by him, to select and appoint the petitioner to the post of Draftsman in Survey and Settlement Wing or Surveyor-cum Assistant Draughtsman in Survey and Settlement Wing or Surveyor cum Assistant Draughtsman in Tamilnadu Town and Country Planning Department as notified under the Recruitment Notification in Notification No.18/2022 issued by the 4th respondent Advertisement No.622 dated 29.07.2022 as has been done for other candidates who have obtained lesser marks than the petitioner.

For Petitioner : Dr.R.Gouri

For Respondents

For R1 to 3, 5 : Mr.V.Veluchamy,
Additional Government Pleader

For R 4 : Mr.R.Bharanidharan

ORDER

This writ petition has been filed for direction to respondents 1 to 4 to consider the petitioner under MBC-PSTM quota for the post of



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Draftsman in Survey and Settlement Wing or Surveyor-cum Assistant Draughtsman in Survey and Settlement Wing or Surveyor cum Assistant Draughtsman in Tamilnadu Town and Country Planning Department as per the notification dated 29.07.2022.

2. The petitioner is qualified with 10th standard and also completed ITI Draughtsman (Civil) Course. The fourth respondent issued notification dated 29.07.2022 for selection to the post of Surveyor cum Assistant Draughtsman to fill up 236 and 55 vacancies respectively. The petitioner had applied for the said post and appeared for written examination. The petitioner had secured 234 marks and waited for call letter to certificate verification. However, the petitioner was not called for certificate verification. On enquiry, the petitioner came to understand that his candidature itself was rejected on the ground that the petitioner applied under PSTM quota and failed to upload the PSTM certificate for his qualification of ITI Draughtsman (Civil) course certificate.



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3. The learned counsel appearing for the petitioner would submit that due to non availability of PSTM certificate, the petitioner could not able to upload his PSTM certificate at the time of application made through the fourth respondent's portal. The petitioner had studied in Tamil medium upto 10th standard and thereafter underwent two years Draughtsman (Civil) course in Nataraj Private Industrial Training Institute at Salamedu, Villupuram in Tamil medium. Thereafter, the petitioner obtained PSTM certificate.

3.1 She further submitted that the Directorate of Employment and Training also issued proceedings dated 28.05.2024 for issuance of certificate to those who studied in Tamil medium in their institutions. In fact, the candidates who have secured lesser marks than the petitioner have been appointed in the said post and still there are vacancies and 179 persons have not joined in the Survey Department. In fact, the fourth respondent by proceedings dated 06.06.2024 called upon the sixth respondent for certificate verification under PSTM quota who had secured only 185 marks.



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4. The learned counsel appearing for the fourth respondent, on instructions, submitted that as per the notification, the candidates were directed to upload the scanned copy of the documents in support of their claims made in their online applications from 29.07.2022 to 24.10.2022. After onscreen certificate verification, the fourth respondent published a list of candidates who have been provisionally admitted to physical certificate verification and counselling on 27.02.2023. The petitioner was not called upon for certificate verification since the petitioner applied under PSTM quota and failed to upload the PSTM Certificate. Therefore, the candidature of the petitioner cannot be considered under PSTM quota.

5. Heard, the learned counsel appearing on either side.

6. On perusal of documents, it is not disputed that the petitioner had studied upto 10th standard in Tamil medium and also underwent ITI Draughtsman(Civil) Course for two years in Tamil



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medium at Nataraj Private Industrial Training Institute at Salamedu, Villupuram. The petitioner applied for the above post under PSTM quota. However, the petitioner could not able to upload the PSTM certificate since it was not furnished to the petitioner.

7. In view of the interim order passed by this Court, the petitioner was permitted for physical certificate verification on 11.07.2024. During the physical certificate verification, it was also confirmed that the petitioner has studied till 10th standard in Tamil medium and also the above ITI course through Tamil medium. Though the fourth respondent specifically contended that all the vacancies were filled up in the recruitment except 7 vacancies for the post of Field Surveyor which were carried forward to next recruitment and 4 vacancies for the post of Draughtsman which were kept vacant, the petitioner is entitled to be appointed to the post of Surveyor cum Assistant Draughtsman as per the notification dated 29.07.2022. It is unfortunate that though the petitioner completed his studies in Tamil medium, the petitioner was not provided with PSTM certificate and as such, he could



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not able to upload PSTM certificate along with his application. It is not the fault of the petitioner.

8. In this regard, the learned counsel appearing for the petitioner relied upon the judgment of the Hon'ble Division Bench of this Court rendered in WA.Nos.682 to 687 of 2023 dated 20.11.2023, wherein the Hon'ble Division Bench had dealt with the issue as to 'PSTM certificates for the entire period of study have not been uploaded' and held as follows:

*25. Further, it is not the case of the appellants that the applicants / respondent candidates were not eligible to apply. As held by the Apex Court in **Charles K Sakaria (Supra)**, **Dolly Chhanda [(2005) 9 SCC 779]** and **Dheerender Singh Paliwal [2017 (11) SCC 276]**, once the eligibility is satisfied, the furnishing of the proof is only procedural, which cannot take away the right of the applicants on technicalities and by way of interpretation. The object of the examinations and interview is to select the meritorious persons from among the different categories under which they fall. The respondents 2 to 5 in WA.No.684 of 2023 have sought to be impleaded in the*



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*appeal, as they have not been issued with appointment orders, despite being selected. In view of the fact that we have already rejected the appeals filed by the Commission, the question of issuing appointment orders to the respondents 2 to 5 in WA No.684 of 2023 does not arise and the directions issued by the Learned Judge are to be followed, if not followed already. However, the appellants are duty bound to ensure that the rules of reservation are implemented. As a consequence of dismissal of the appeals, the appellants will have to consider the case of the respondent candidates to be appointed to the posts in Combined Engineering Services by following the rules of reservation as enumerated in **Saurav Yadav v. State of UP and BSNL case (supra)** and on merits along with the case of the respondents 2 to 5 in WA. No. 684 of 2023, within a period of six weeks from the date of receipt of copy of this judgment.*

9. The above judgment is squarely applicable to the case on hand. Therefore, respondents 1 to 4 are directed to consider the case of the petitioner and appoint him in the post of Surveyor cum Assistant Draughtsman as per the notification dated 29.07.2022 on the file of the fourth respondent, within a period of two weeks from the date of receipt



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of copy of this order. Further, the State Government of Tamilnadu is directed to issue circular to all the Educational Institutions for issuance of PSTM certificate along with final marksheets, transfer certificate and degree certificates and must ensure that all the Educational Institutions comply with the said direction.

10. With the above directions, this writ petition is allowed.

There shall be no order as to costs.

30.07.2024

Neutral Citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

- 1.Principal Secretary to Government,
The State of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai 600 009
- 2.Director,
The State of Tamilnadu,
Survey and Settlement Wing,
Survey House,
Chepauk, Chennai-5
- 3.The Directorate of Town and Country Planning,
Town and Country Planning Department,
2nd, 3rd and 4th Floor, C&E Market Road,
Koyambedu, Chennai 600 107
- 4.The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road,
VOC Nagar, Park Town, Chennai 600 003
- 5.The Additional Director,
Directorate of Employment and Training,
Alandur Salai, Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600 032

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